

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TITLECRAFT, INC.,

Plaintiff and
Counterclaim Defendant,

v.

NATIONAL FOOTBALL LEAGUE and
NFL PROPERTIES, LLC,

Defendants and
Counterclaim Plaintiffs.

No. 0:10-cv-00758-RHK-JJK

**DEFENDANTS/COUNTERCLAIM
PLAINTIFFS NATIONAL FOOTBALL
LEAGUE and NFL PROPERTIES
LLC'S WITHDRAWAL OF MOTION
FOR ENTRY OF DEFAULT
JUDGMENT**

On March 11, 2010, Titlecraft, Inc. ("Titlecraft") preemptively sued the National Football League and NFL Properties, LLC (collectively "the NFL Parties"). In this preemptive lawsuit Titlecraft asks this Court for a declaratory judgment that it is entitled to sell knockoffs of the NFL's Vince Lombardi Trophy. (*See* Docket No. 1.)

The NFL Parties filed a timely answer, denying the allegations of the Complaint and asserting counterclaims. (*See* Docket No. 3 at 14-22.) The NFL Parties' counterclaims were served on Titlecraft by ECF on June 4, 2010. (*See* Docket No. 6.) Titlecraft was required to serve its answer to the counterclaims by June 28; that is within 21 days, plus three for service by ECF. *See* Fed. R. Civ. P. 12(a)(1)(B); 6(d).

Titlecraft, however, did not timely answer or otherwise responded to the NFL Parties' counterclaims, and it did not seek an extension of time to answer. After waiting

two weeks, the NFL Parties applied for entry of default on July 12, 2010. (*See* Docket No. 11.)

Only after the NFL Parties' application was filed did Titlecraft file its reply to the Counterclaims. (*See* Docket No. 13.) In view of Titlecraft's belated reply, and in order to conserve the resources of the Court, the NFL Parties hereby withdraw their motion for default judgment (Docket No. 9), and request that the corresponding hearing that is scheduled to be held at 8:15 a.m. on August 26, 2010 (*see* Docket No. 10) be vacated.

Dated: July 14, 2010

Respectfully submitted,

s/Timothy J. Cruz

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